



Rep. Fred Crespo

Filed: 5/3/2011

09700SB1795ham001

LRB097 09902 NHT 54830 a

1 AMENDMENT TO SENATE BILL 1795

2 AMENDMENT NO. _____. Amend Senate Bill 1795 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Private Business and Vocational Schools Act of 2012.

6 Section 5. Purpose. It is the purpose of this Act to
7 provide for the protection, education, and welfare of the
8 citizens of the this State; to provide for the education,
9 protection, and welfare of the students of its private business
10 and vocational schools; and to facilitate and promote quality
11 education and responsible, ethical, business practices in each
12 of the private business and vocational schools enrolling
13 students in this State.

14 Section 10. Validity of certificates under the Private
15 Business and Vocational Schools Act. Certificates of approval

1 granted by the State Board of Education under the Private
2 Business and Vocational Schools Act, which is repealed by this
3 Act, shall remain valid through June 30, 2012.

4 Section 15. Definitions. As used in this Act, unless the
5 context otherwise requires:

6 "Board" means the Board of Higher Education established
7 under the Board of Higher Education Act.

8 "Certificate of completion" or "certificate" means any
9 designation, appellation, series of letters or words, or other
10 symbol that signifies or purports to signify that the recipient
11 thereof has satisfactorily completed a private business and
12 vocational school's program of study that is beyond the
13 secondary school level, but not a post-secondary degree program
14 at the associate, baccalaureate, master's, doctoral, or
15 post-baccalaureate, professional degree level.

16 "Educational institution" or "institution" means an
17 organization that promotes business and vocational education,
18 even though the institution's principal effort may not be
19 exclusively educational in nature.

20 "Enrollment agreement" means any agreement or instrument,
21 however named, that creates or evidences an obligation binding
22 a student to purchase a program of study from a school.

23 "Non-degree program of study" or "program of study" means
24 any designation, appellation, series of letters or words, or
25 other symbol that signifies or purports to signify that the

1 recipient has satisfactorily completed an organized academic
2 program of study beyond the secondary school level, such as a
3 certificate, but below the associate's degree level and that
4 does not include any recognized degree program such as an
5 associate's, baccalaureate, master's, or doctoral degree, a
6 post-baccalaureate, professional degree, or a post-degree
7 certificate, such as a post-baccalaureate certificate,
8 post-master's certificate, or post-doctoral certificate.

9 "Program of study" as used in this definition means any
10 academic program beyond the secondary school level, except for
11 a program that is devoted entirely to religion or theology, a
12 program offered by an institution operating under the authority
13 of the Private College Act, the Academic Degree Act, or the
14 Board of Higher Education Act, or a program of study of less
15 than one year in length operating under the statutory authority
16 granted to the Department of Financial and Professional
17 Regulation.

18 "Permit of approval" means a non-transferable permit,
19 issued by and pursuant to the authority of the Board of Higher
20 Education through its Division of Private Business and
21 Vocational Schools to a private business and vocational school
22 in the name of the school, that authorizes the school to
23 solicit students and to offer and maintain one or more courses
24 of instruction in compliance with the provisions of this Act
25 and such standards and rules as may be adopted by the Board.

26 "Private business and vocational school" or "school" means

1 an educational institution privately owned or operated by a
2 person, partnership, corporation, or other entity offering
3 courses of instruction for which tuition is charged, whether
4 such courses of instruction are offered on site, through
5 correspondence, by distance education, or by other methods, to
6 prepare individuals to do any of the following:

7 (1) To follow a trade or artistic occupation.

8 (2) To pursue a manual, mechanical, technical,
9 industrial, business, commercial, office, personal service
10 (other than nursing), or other non-professional
11 occupation.

12 (3) To follow a profession, if the profession is not
13 subject to licensing or registration under any existing
14 State statute requiring the licensing or registration of
15 persons practicing such profession or if the school is not
16 subject to the regulation of the agency with such licensing
17 or registration authority.

18 (4) To improve, enhance, or add to the skills and
19 abilities of the individual relative to occupational
20 responsibilities or career opportunities.

21 Section 20. Permit of approval. No person or group of
22 persons subject to this Act may establish and operate or be
23 permitted to become incorporated for the purpose of operating a
24 private business and vocational school without obtaining from
25 the Board a permit of approval, provided that a permit of

1 approval is not required for a program that is devoted entirely
2 to religion or theology or a program offered by an institution
3 operating under the authority of the Private College Act, the
4 Academic Degree Act, or the Board of Higher Education Act.
5 Application for a permit must be made to the Board upon forms
6 furnished by it. Permits of approval are not transferable.
7 Whenever a change of ownership of a school occurs, an
8 application for a permit of approval for the school under the
9 changed ownership must immediately be filed with the Board.
10 Whenever an owner, partnership, or corporation operates a
11 school at different locations, an application for a permit of
12 approval must be filed for each location. A school must have
13 approval prior to operating at a location and must make
14 application to the Board for any change of location and for a
15 classroom extension at a new or changed location. Each
16 application required to be filed in accordance with the
17 provisions of this Section must be accompanied by the required
18 fee under the provisions of Sections 75 and 85 of this Act, and
19 all such applications must be made on forms prepared and
20 furnished by the Board. The permit of approval must be
21 prominently displayed at some place on the premises of the
22 school at each school location open to the inspection of all
23 interested persons. The Board shall maintain, open to public
24 inspection, a list of schools, their classroom extensions, and
25 their courses of instruction approved under this Act and may
26 annually publish such a list. Issuance of the permit of

1 approval by the Board does not denote that the school or any
2 program offered by the school is recommended, guaranteed, or
3 endorsed by the Board or that the Board is responsible for the
4 quality of the school or its programs, and no school may
5 communicate this to be the case. No guarantee of employability
6 of school graduates is made by the Board in its approval of
7 programs or schools, and no school may communicate such
8 information.

9 Section 25. Award of certificates.

10 (a) A certificate may be awarded only by a private business
11 and vocational school approved by the Board to award such a
12 certificate or by an institution approved by the Board under
13 the authority of the Private College Act, the Academic Degree
14 Act, or the Board of Higher Education Act. No private business
15 and vocational school shall be authorized to award a
16 certificate or be approved as a certificate-granting
17 institution unless it provides documentation to the Board that
18 it satisfies the criteria for approval. The documentation
19 provided must be under oath or affirmation of the principal
20 officer of the private business and vocational school and shall
21 contain the name and address of the institution, the names and
22 addresses of the president or other administrative head and of
23 each member of the board of trustees or other governing board,
24 a description of the certificates to be awarded and the course
25 or courses of instruction prerequisite thereto, and such

1 additional information relevant to the purposes of this Act as
2 the Board may prescribe. Any amendment to the documentation
3 must be under oath or affirmation of the principal officer of
4 the institution and must be filed with the Board prior to the
5 award of any certificate.

6 (b) A certificate-granting institution shall keep the
7 documentation that it shall have filed with the Board current
8 at all times. For this purpose, it shall report annually, by
9 appropriate amendment of the notice, any change in a fact
10 previously reported.

11 The Board may not approve any documentation or amendment to
12 the documentation filed pursuant to this Section unless it
13 finds the facts stated therein to be correct and further finds
14 that such facts constitute compliance with the requirements of
15 this Act for institutions.

16 Failure to provide such documentation is grounds for
17 revocation of the permit of approval.

18 Section 30. Exemptions. For purposes of this Act, the
19 following shall not be considered to be a private business and
20 vocational school:

21 (1) Any institution devoted entirely to the teaching of
22 religion or theology.

23 (2) Any in-service program of study and subject offered
24 by an employer, provided that no tuition is charged and the
25 instruction is offered only to employees of the employer.

1 (3) Any educational institution that (A) enrolls a
2 majority of its students in degree programs and has
3 maintained an accredited status with the Higher Learning
4 Commission of the North Central Association of Colleges and
5 Schools or (B) enrolls students in one or more
6 bachelor-level programs, enrolls a majority of its
7 students in degree programs, and is accredited by a
8 national accrediting agency that is recognized by the U.S.
9 Department of Education or that (i) is regulated by the
10 Board under the Private College Act or the Academic Degree
11 Act or is exempt from such regulation under either the
12 Private College Act or the Academic Degree Act solely for
13 the reason that the educational institution was in
14 operation on the effective date of either the Private
15 College Act or the Academic Degree Act or (ii) is regulated
16 by the State Board of Education.

17 (4) Any institution and the franchisees of that
18 institution that exclusively offer a program of study in
19 income tax theory or return preparation at a total contract
20 price of no more than \$400, provided that the total annual
21 enrollment of the institution for all such courses of
22 instruction exceeds 500 students and further provided that
23 the total contract price for all instruction offered to a
24 student in any one calendar year does not exceed \$3,000.

25 (5) Any person or organization selling mediated
26 instruction products through a media, such as tapes,

1 compact discs, digital video discs, or similar media, so
2 long as the instruction is not intended to result in the
3 acquisition of training for a specific employment field, is
4 not intended to meet a qualification for licensure or
5 certification in an employment field, or is not intended to
6 provide credit that can be applied toward a certificate or
7 degree program.

8 (6) Schools with no physical presence in this State.
9 Schools offering instruction or programs of study, but that
10 have no physical presence in this State, are not required
11 to receive Board approval. Such an institution must not be
12 considered not to have a physical presence in this State
13 unless it has received a written finding from the Board
14 that it has a limited physical presence. In determining
15 whether an institution has no physical presence, the Board
16 shall require all of the following:

17 (A) Evidence of authorization to operate in at
18 least one other state and that the school is in good
19 standing with that state's authorizing agency.

20 (B) Evidence that the school has a means of
21 receiving and addressing student complaints in
22 compliance with any federal or state requirements.

23 (C) Evidence that the institution is providing no
24 instruction in this State.

25 (D) Evidence that the institution is not providing
26 core academic support services, including, but not

1 limited to, admissions, evaluation, assessment,
2 registration, financial aid, academic scheduling, and
3 faculty hiring and support in this State.

4 Section 35. Institution and program approval criteria.
5 Each entity seeking a permit of approval is required to
6 demonstrate that it satisfies institution-approval criteria
7 and that each program of study offered meets the
8 program-approval criteria in this Act and any applicable rules.
9 The following standard criteria are intended to measure the
10 appropriateness of the stated educational objectives of the
11 educational programs of a given institution and the extent to
12 which suitable and proper processes have been developed for
13 meeting those objectives. Information related to the
14 satisfaction of the approval criteria outlined in this Section
15 must be supplied to the Board by institutions on forms provided
16 by the Board. Additional information may be requested by the
17 Board to determine the institution's ability to satisfy the
18 criteria. The following must be considered as part of, but not
19 necessarily all of, the criteria for approval of institutions
20 and the programs offered under this Act:

21 (1) Qualifications of governing board members, owners,
22 and senior administrators. At a minimum, these individuals
23 must be of good moral character and have no felony criminal
24 record.

25 (2) Qualifications of faculty and staff.

1 (3) Demonstration of student learning and quality of
2 program delivery.

3 (4) Sufficiency of institutional finances.

4 (5) Accuracy, clarity, and appropriateness of program
5 descriptions. Institutional promotional, advertising, and
6 recruiting materials must be clear, appropriate, and
7 accurate.

8 (6) Sufficiency of facilities and equipment. At a
9 minimum, these must be appropriate and must meet applicable
10 safety code requirements and ordinances.

11 (7) Fair and equitable refund policies. At a minimum,
12 these must be fair and equitable, must satisfy any related
13 State or federal rules, and must abide by the standards
14 established in Section 60 of this Act and the rules adopted
15 for the implementation of this Act.

16 (8) Appropriate and ethical admissions and recruitment
17 practices. At a minimum, recruiting practices must be
18 ethical and abide by any State or federal rules.

19 (9) Recognized accreditation status. Accreditation
20 with an accrediting body approved by the U.S. Department of
21 Education may be counted as significant evidence of the
22 institution's ability to meet curricular approval
23 criteria.

24 (10) Meeting employment requirements in the field of
25 study. The institution must clearly demonstrate how a
26 student's completion of the program of study satisfies

1 employment requirements in the occupational field. Such
2 information must be clearly and accurately provided to
3 students. If licensure, certification, or their equivalent
4 is required of program graduates to enter the field of
5 employment, the institution must clearly demonstrate that
6 completion of the program will allow students to achieve
7 this status.

8 (11) Enrollment agreements that, at a minimum, meet the
9 requirements outlined in Section 40 of this Act.

10 (12) Clearly communicated tuition and fee charges.
11 Tuition and fees and any other expense charged by the
12 school must be appropriate to the expected income that will
13 be earned by graduates. No school may have a tuition policy
14 or enrollment agreement that requires that a student
15 register for more than a single semester, quarter, term, or
16 other such period of enrollment as a condition of the
17 enrollment nor shall any school charge a student for
18 multiple periods of enrollment prior to completion of the
19 single semester, quarter, term, or other such period of
20 enrollment.

21 (12) Legal action against the institution, its parent
22 company, its owners, its governing board, or its board
23 members. Any such legal action must be provided to the
24 Board and may be considered as a reason for denial or
25 revocation of the permit of approval.

1 Section 40. Enrollment agreements. A copy of the enrollment
2 agreement must be provided to the Board. Enrollment agreements
3 may be used by schools only if approved by the Board. The Board
4 shall develop a standard enrollment agreement for use by
5 schools approved or seeking approval under this Act. Schools
6 may create an enrollment agreement that meets the minimum
7 requirements of this Section, but it must be approved by the
8 Board prior to implementation. The student must be given a copy
9 of the enrollment agreement at the time the student signs that
10 agreement and at the time of the agreement's acceptance, if
11 those events occur at different times. The school shall retain
12 a signed copy of the fully executed enrollment agreement as a
13 part of the student's permanent record. No school may enter
14 into an enrollment agreement wherein the student waives the
15 right to assert against the school or any assignee any claim or
16 defense he or she may have against the school arising under the
17 agreement. Any provisions in an enrollment agreement wherein
18 the student agrees to such a waiver shall be rendered void.
19 Enrollment agreements shall include, at a minimum, a clear
20 descriptions of costs, refund policies, program information,
21 any disclosures, the Board's Internet website, the address and
22 phone number of the Board for students to report complaints,
23 and any additional information the Board may require by rule.

24 Section 45. Board approval. Each school approved by the
25 Board under this Act is responsible for the content of any

1 program offered. Issuance of the permit of approval does not
2 denote that the school or any program offered by the school is
3 recommended, guaranteed, or endorsed by the Board. Schools may
4 not advertise or communicate to students or the public in any
5 way that indicates endorsement of the school or any program by
6 the Board.

7 Section 50. Requirements for approved institutions. Each
8 school and each of the non-degree programs of study offered by
9 the school shall be approved for 5 years, subject to the terms
10 and conditions of approval, including without limitation the
11 submission of required reporting and the payment of required
12 charges and fees under the provisions of Section 75 of this
13 Act, and compliance with any other requirements in this Act or
14 supporting rules. Failure to so comply at any time during the 5
15 years is grounds for immediate revocation of the permit of
16 approval. Information requested by the Board must be submitted
17 annually or, in special circumstances, at the request of the
18 Board. Failure to do so is grounds for immediate revocation of
19 the permit of approval. Each non-degree program of study must
20 be approved by the Board as well. Regardless of when the
21 program was approved, all programs of study must be approved
22 again with the institutional approval at the end of the 5-year
23 approval period or in conjunction with an earlier review if so
24 required under this Act or the administrative rules adopted in
25 support of this Act. The Board's Executive Director has the

1 authority to order any school subject to this Act to cease and
2 desist operations if the school is found to have acted contrary
3 to the standards set forth in this Act or the supporting
4 administrative rules.

5 Section 55. Maintenance of approval. Institutions covered
6 under this Act must meet the following requirements to receive
7 and maintain approval:

8 (1) Provide a surety bond. A continuous surety company
9 bond, written by a company authorized to do business in
10 this State, for the protection of contractual rights,
11 including faithful performance of all contracts and
12 agreements for students and their parents, guardians, or
13 sponsors. The Board shall establish the bond amount by
14 rule. The amount of the bond must be sufficient to provide
15 for the repayment of full tuition to all students enrolled
16 at the institution in the event of closure of the
17 institution. Evidence of the continuation of the bond must
18 be filed annually with the Board. The surety bond must be a
19 written agreement that provides for monetary compensation
20 in the event that the school fails to fulfill its
21 obligations to its students and their parents, guardians,
22 or sponsors. The surety bonding company shall guarantee the
23 return to students and their parents, guardians, or
24 sponsors of all prepaid, unearned tuition in the event of
25 school closure. A condition of the bond shall be that the

1 bond agent shall notify the Board in the event the bond is
2 no longer in effect.

3 (2) Provide to the Board and each student the school's
4 policy for addressing student complaints. Included in this
5 process, the school must provide in its promotional
6 materials and on its Internet website the Board's address
7 and Internet website for reporting complaints.

8 (3) Provide on the institution's Internet website and
9 in promotional materials and enrollment agreements the
10 Internet website, address, and phone number of the Board
11 for students to report complaints.

12 (4) Provide evidence of liability insurance, in such
13 form and amount as the Board shall from time to time
14 prescribe pursuant to rules adopted under this Act, to
15 protect students and employees at the school's places of
16 business and at all classroom extensions, including any
17 work-experience locations.

18 (5) Provide data as requested by the Board to support
19 the satisfaction of the requirements of this Act or to
20 provide vocational and technical educational data for the
21 longitudinal data system created under the P-20
22 Longitudinal Education Data System Act.

23 (6) Pay required fees as described under the provisions
24 of Section 75 of this Act by prescribed deadlines.

25 (7) With respect to advertising programs of study, all
26 of the following apply:

1 (A) A school may state that it is approved to offer
2 a program of study or authorized to award a certificate
3 in this State only after that approval has been
4 officially granted and received in writing from the
5 Board.

6 (B) A school shall not advertise or state in any
7 manner that it is accredited by the Board to award
8 degrees or certificates.

9 (C) No school may publish or otherwise communicate
10 to prospective students, faculty, staff, or the public
11 misleading or erroneous information about the
12 certificate or degree-granting status of a given
13 institution.

14 (D) All advertisements or solicitations by
15 approved schools shall only reference the Board's
16 approval by stating that the school is approved by the
17 "Division of Private Business and Vocational Schools
18 of the Illinois Board of Higher Education".

19 (8) Permit the Board's Executive Director or his or her
20 designees to inspect the school or classes thereof from
21 time to time with or without notice and to make available
22 to the Board's Executive Director or his or her designees,
23 at any time when required to do so, information, including
24 financial information, pertaining to the activities of the
25 school required for the administration of this Act and the
26 standards and rules adopted under this Act.

1 (9) Maintain satisfactory student retention and
2 graduation rates and State licensing examination or
3 professional certification examination passage rates.
4 Student retention and graduation rates must be maintained
5 that are appropriate to standards in the field. A State
6 licensing examination or professional certification
7 examination passage rate of at least 50% of the average
8 passage rate for schools within the industry for any State
9 licensing examination or professional certification
10 examination must be maintained. In the event that the
11 school fails to do so, then that school shall be placed on
12 probation for one year. If that school's passage rate in
13 its next reporting period does not exceed 50% of the
14 average passage rate of that class of school as a whole,
15 then the Board shall revoke that school's approval to
16 operate in this State. The Board shall develop, by rule, a
17 procedure to ensure the veracity of the information
18 required under this Section.

19 (10) Not enter into an enrollment agreement wherein the
20 student waives the right to assert against the school or
21 any assignee any claim or defense he or she may have
22 against the school arising under the agreement. Any
23 provisions in an enrollment agreement wherein the student
24 agrees to such a waiver shall be rendered void.

25 (11) Not have a tuition policy or enrollment agreement
26 that requires that a student register for more than a

1 single semester, quarter, term, or other such period of
2 enrollment as a condition of the enrollment nor charge a
3 student for multiple periods of enrollment prior to
4 completion of a single semester, quarter, term, or other
5 such period of enrollment.

6 (12) Provide the Board with a copy of any notice of
7 warning or suspension or revocation received from an
8 accrediting agency or State or federal oversight body
9 within 15 days after receipt of the notice. The school
10 shall, at the same time, inform the Board, in writing, on
11 actions being taken to correct all deficiencies cited.

12 (13) Maintain a fair and equitable refund policy and
13 abide by it. Such a policy shall abide by any State or
14 federal rules as appropriate. The same policy shall apply
15 to all students equally.

16 (14) Act in an ethical manner.

17 Section 60. Refund policy. The Board shall establish
18 minimum standards for a fair and equitable refund policy that
19 must be applied by all institutions subject to this Act. The
20 same refund policy must be applied to all students even if they
21 are not eligible for federal financial aid. Schools that are
22 accredited by an accrediting body recognized by the U.S.
23 Department of Education and approved to participate in offering
24 Federal Title IV student financial aid may apply the required
25 federal refund policy as long as the same policy is applied to

1 all students even if they are not eligible for federal
2 financial aid.

3 Section 65. Prohibition against advertising a school or
4 soliciting students without Board authorization. Prior to the
5 issuance of a permit of approval by the Board, no person or
6 organization shall advertise a school or any program of study
7 or solicit prospective students unless the person or
8 organization has applied for and received from the Board
9 authorization to conduct such activity. If the Board has
10 authorized such activity, all advertisements or solicitations
11 must reference the Board's approval by stating that the school
12 is approved by the "Division of Private Business and Vocational
13 Schools of the Illinois Board of Higher Education".

14 Section 70. Closing of a school.

15 (a) In the event a school proposes to discontinue its
16 operations, the chief administrative officer of the school
17 shall cause to be filed with the Board the original or legible
18 true copies of all such academic records of the institution as
19 may be specified by the Board.

20 (b) These records shall include, at a minimum, the academic
21 records of each former student that is traditionally provided
22 on an academic transcript, such as, but not limited to, courses
23 taken, terms, grades, and other such information.

24 (c) In the event it appears to the Board that any such

1 records of an institution discontinuing its operations is in
2 danger of being lost, hidden, destroyed, or otherwise made
3 unavailable to the Board, the Board may seize and take
4 possession of the records, on its own motion and without order
5 of court.

6 (d) The Board shall maintain or cause to be maintained a
7 permanent file of such records coming into its possession.

8 (e) As an alternative to the deposit of such records with
9 the Board, the institution may propose to the Board a plan for
10 permanent retention of the records. The plan must be put into
11 effect only with the approval of the Board.

12 (f) When a postsecondary educational institution now or
13 hereafter operating in this State proposes to discontinue its
14 operation, such institution shall cause to be created a
15 teach-out plan acceptable to the Board, which shall fulfill the
16 school's educational obligations to its students. Should the
17 school fail to deliver or act on the teach-out plan, the Board
18 is in no way responsible for providing the teach-out.

19 (g) The school and its designated surety bonding company
20 are responsible for the return to students of all prepaid,
21 unearned tuition. As identified in Section 55 of this Act, the
22 surety bond must be a written agreement that provides for
23 monetary compensation in the event that the school fails to
24 fulfill its obligations. The surety bonding company shall
25 guarantee the return to the school's students and their
26 parents, guardians, or sponsors of all prepaid, unearned

1 tuition in the event of school closure. Should the school or
2 its surety bonding company fail to deliver or act to fulfill
3 the obligation, the Board is in no way responsible for the
4 repayment or any related damages or claims.

5 Section 75. Application and renewal fees. Fees for
6 application and renewal may be set by the Board by rule. Fees
7 shall be collected for all of the following:

8 (1) An original school application for a certificate of
9 approval.

10 (2) An initial school application for a certificate of
11 approval upon occurrence of a change of ownership.

12 (3) An annual school application for renewal of a
13 certificate of approval.

14 (4) A school application for a change of location.

15 (5) A school application for a classroom extension.

16 (6) If an applicant school that has not remedied all
17 deficiencies cited by the Board within 12 months after the
18 date of its original application for a certificate of
19 approval, an additional original application fee for the
20 continued cost of investigation of its application.

21 (7) Transcript processing.

22 Section 80. Private Business and Vocational Schools
23 Quality Assurance Fund. The Private Business and Vocational
24 Schools Quality Assurance Fund is created as a special fund in

1 the State treasury. All fees collected for the administration
2 and enforcement of this Act must be deposited into this Fund.
3 All money in the Fund must be used, subject to appropriation,
4 by the Board to supplement support for the administration and
5 enforcement of this Act and must not be used for any other
6 purpose.

7 Section 85. Violations under the Act.

8 (a) The Board's Executive Director has the authority to
9 order any school subject to this Act to cease and desist
10 operations if the school is found to have acted contrary to the
11 standards set forth in this Act or supporting rules.

12 (b) The Board shall establish rules to pursue the
13 resolution of complaints. At a minimum, the rules shall include
14 the following:

15 (1) Student complaints must be submitted in writing to
16 the Board.

17 (2) Board staff shall contact the school about the
18 complaint by registered mail or other appropriate
19 notification. The school has 10 business days to respond to
20 the Board about the complaint. The Board shall provide a
21 resolution determination to the school. The school may
22 request a hearing about the proposed resolution within 10
23 business days after the delivery of the complaint by
24 registered mail or other appropriate notification. If the
25 school does not abide by the resolution determination, the

1 matter shall be referred to the Office of the Attorney
2 General for consideration.

3 (3) The complaint may be forwarded to the institution's
4 accrediting body.

5 (4) The Board shall annually issue a public report
6 about complaints received. At a minimum, the report shall
7 include the institution, the nature of the complaint, and
8 the current resolution status of complaint. No individual
9 student shall be named in the report.

10 (c) Violations of any of the requirements set forth in this
11 Act may be referred by the Board to the Office of the Attorney
12 General.

13 Section 90. Rulemaking authority. The Board shall have
14 rulemaking authority as necessary and appropriate to implement
15 this Act. Rulemaking authority to implement this Act, if any,
16 is conditioned on the rules being adopted in accordance with
17 all provisions of the Illinois Administrative Procedure Act and
18 all rules and procedures of the Joint Committee on
19 Administrative Rules; any purported rule not so adopted, for
20 whatever reason, is unauthorized.

21 Section 500. The Department of Professional Regulation Law
22 of the Civil Administrative Code of Illinois is amended by
23 changing Section 2105-15 as follows:

1 (20 ILCS 2105/2105-15)

2 Sec. 2105-15. General powers and duties.

3 (a) The Department has, subject to the provisions of the
4 Civil Administrative Code of Illinois, the following powers and
5 duties:

6 (1) To authorize examinations in English to ascertain
7 the qualifications and fitness of applicants to exercise
8 the profession, trade, or occupation for which the
9 examination is held.

10 (2) To prescribe rules and regulations for a fair and
11 wholly impartial method of examination of candidates to
12 exercise the respective professions, trades, or
13 occupations.

14 (3) To pass upon the qualifications of applicants for
15 licenses, certificates, and authorities, whether by
16 examination, by reciprocity, or by endorsement.

17 (4) To prescribe rules and regulations defining, for
18 the respective professions, trades, and occupations, what
19 shall constitute a school, college, or university, or
20 department of a university, or other institution,
21 reputable and in good standing, and to determine the
22 reputability and good standing of a school, college, or
23 university, or department of a university, or other
24 institution, reputable and in good standing, by reference
25 to a compliance with those rules and regulations; provided,
26 that no school, college, or university, or department of a

1 university, or other institution that refuses admittance
2 to applicants solely on account of race, color, creed, sex,
3 or national origin shall be considered reputable and in
4 good standing.

5 (5) To conduct hearings on proceedings to revoke,
6 suspend, refuse to renew, place on probationary status, or
7 take other disciplinary action as authorized in any
8 licensing Act administered by the Department with regard to
9 licenses, certificates, or authorities of persons
10 exercising the respective professions, trades, or
11 occupations and to revoke, suspend, refuse to renew, place
12 on probationary status, or take other disciplinary action
13 as authorized in any licensing Act administered by the
14 Department with regard to those licenses, certificates, or
15 authorities. The Department shall issue a monthly
16 disciplinary report. The Department shall deny any license
17 or renewal authorized by the Civil Administrative Code of
18 Illinois to any person who has defaulted on an educational
19 loan or scholarship provided by or guaranteed by the
20 Illinois Student Assistance Commission or any governmental
21 agency of this State; however, the Department may issue a
22 license or renewal if the aforementioned persons have
23 established a satisfactory repayment record as determined
24 by the Illinois Student Assistance Commission or other
25 appropriate governmental agency of this State.
26 Additionally, beginning June 1, 1996, any license issued by

1 the Department may be suspended or revoked if the
2 Department, after the opportunity for a hearing under the
3 appropriate licensing Act, finds that the licensee has
4 failed to make satisfactory repayment to the Illinois
5 Student Assistance Commission for a delinquent or
6 defaulted loan. For the purposes of this Section,
7 "satisfactory repayment record" shall be defined by rule.
8 The Department shall refuse to issue or renew a license to,
9 or shall suspend or revoke a license of, any person who,
10 after receiving notice, fails to comply with a subpoena or
11 warrant relating to a paternity or child support
12 proceeding. However, the Department may issue a license or
13 renewal upon compliance with the subpoena or warrant.

14 The Department, without further process or hearings,
15 shall revoke, suspend, or deny any license or renewal
16 authorized by the Civil Administrative Code of Illinois to
17 a person who is certified by the Department of Healthcare
18 and Family Services (formerly Illinois Department of
19 Public Aid) as being more than 30 days delinquent in
20 complying with a child support order or who is certified by
21 a court as being in violation of the Non-Support Punishment
22 Act for more than 60 days. The Department may, however,
23 issue a license or renewal if the person has established a
24 satisfactory repayment record as determined by the
25 Department of Healthcare and Family Services (formerly
26 Illinois Department of Public Aid) or if the person is

1 determined by the court to be in compliance with the
2 Non-Support Punishment Act. The Department may implement
3 this paragraph as added by Public Act 89-6 through the use
4 of emergency rules in accordance with Section 5-45 of the
5 Illinois Administrative Procedure Act. For purposes of the
6 Illinois Administrative Procedure Act, the adoption of
7 rules to implement this paragraph shall be considered an
8 emergency and necessary for the public interest, safety,
9 and welfare.

10 (6) To transfer jurisdiction of any realty under the
11 control of the Department to any other department of the
12 State Government or to acquire or accept federal lands when
13 the transfer, acquisition, or acceptance is advantageous
14 to the State and is approved in writing by the Governor.

15 (7) To formulate rules and regulations necessary for
16 the enforcement of any Act administered by the Department.

17 (8) To exchange with the Department of Healthcare and
18 Family Services information that may be necessary for the
19 enforcement of child support orders entered pursuant to the
20 Illinois Public Aid Code, the Illinois Marriage and
21 Dissolution of Marriage Act, the Non-Support of Spouse and
22 Children Act, the Non-Support Punishment Act, the Revised
23 Uniform Reciprocal Enforcement of Support Act, the Uniform
24 Interstate Family Support Act, or the Illinois Parentage
25 Act of 1984. Notwithstanding any provisions in this Code to
26 the contrary, the Department of Professional Regulation

1 shall not be liable under any federal or State law to any
2 person for any disclosure of information to the Department
3 of Healthcare and Family Services (formerly Illinois
4 Department of Public Aid) under this paragraph (8) or for
5 any other action taken in good faith to comply with the
6 requirements of this paragraph (8).

7 (9) To perform other duties prescribed by law.

8 (a-5) Except in cases involving default on an educational
9 loan or scholarship provided by or guaranteed by the Illinois
10 Student Assistance Commission or any governmental agency of
11 this State or in cases involving delinquency in complying with
12 a child support order or violation of the Non-Support
13 Punishment Act, no person or entity whose license, certificate,
14 or authority has been revoked as authorized in any licensing
15 Act administered by the Department may apply for restoration of
16 that license, certification, or authority until 3 years after
17 the effective date of the revocation.

18 (b) The Department may, when a fee is payable to the
19 Department for a wall certificate of registration provided by
20 the Department of Central Management Services, require that
21 portion of the payment for printing and distribution costs be
22 made directly or through the Department to the Department of
23 Central Management Services for deposit into the Paper and
24 Printing Revolving Fund. The remainder shall be deposited into
25 the General Revenue Fund.

26 (c) For the purpose of securing and preparing evidence, and

1 for the purchase of controlled substances, professional
2 services, and equipment necessary for enforcement activities,
3 recoupment of investigative costs, and other activities
4 directed at suppressing the misuse and abuse of controlled
5 substances, including those activities set forth in Sections
6 504 and 508 of the Illinois Controlled Substances Act, the
7 Director and agents appointed and authorized by the Director
8 may expend sums from the Professional Regulation Evidence Fund
9 that the Director deems necessary from the amounts appropriated
10 for that purpose. Those sums may be advanced to the agent when
11 the Director deems that procedure to be in the public interest.
12 Sums for the purchase of controlled substances, professional
13 services, and equipment necessary for enforcement activities
14 and other activities as set forth in this Section shall be
15 advanced to the agent who is to make the purchase from the
16 Professional Regulation Evidence Fund on vouchers signed by the
17 Director. The Director and those agents are authorized to
18 maintain one or more commercial checking accounts with any
19 State banking corporation or corporations organized under or
20 subject to the Illinois Banking Act for the deposit and
21 withdrawal of moneys to be used for the purposes set forth in
22 this Section; provided, that no check may be written nor any
23 withdrawal made from any such account except upon the written
24 signatures of 2 persons designated by the Director to write
25 those checks and make those withdrawals. Vouchers for those
26 expenditures must be signed by the Director. All such

1 expenditures shall be audited by the Director, and the audit
2 shall be submitted to the Department of Central Management
3 Services for approval.

4 (d) Whenever the Department is authorized or required by
5 law to consider some aspect of criminal history record
6 information for the purpose of carrying out its statutory
7 powers and responsibilities, then, upon request and payment of
8 fees in conformance with the requirements of Section 2605-400
9 of the Department of State Police Law (20 ILCS 2605/2605-400),
10 the Department of State Police is authorized to furnish,
11 pursuant to positive identification, the information contained
12 in State files that is necessary to fulfill the request.

13 (e) The provisions of this Section do not apply to private
14 business and vocational schools as defined by Section 15 † of
15 the Private Business and Vocational Schools Act of 2012.

16 (f) Beginning July 1, 1995, this Section does not apply to
17 those professions, trades, and occupations licensed under the
18 Real Estate License Act of 2000, nor does it apply to any
19 permits, certificates, or other authorizations to do business
20 provided for in the Land Sales Registration Act of 1989 or the
21 Illinois Real Estate Time-Share Act.

22 (g) Notwithstanding anything that may appear in any
23 individual licensing statute or administrative rule, the
24 Department shall deny any license application or renewal
25 authorized under any licensing Act administered by the
26 Department to any person who has failed to file a return, or to

1 pay the tax, penalty, or interest shown in a filed return, or
2 to pay any final assessment of tax, penalty, or interest, as
3 required by any tax Act administered by the Illinois Department
4 of Revenue, until such time as the requirement of any such tax
5 Act are satisfied; however, the Department may issue a license
6 or renewal if the person has established a satisfactory
7 repayment record as determined by the Illinois Department of
8 Revenue. For the purpose of this Section, "satisfactory
9 repayment record" shall be defined by rule.

10 In addition, a complaint filed with the Department by the
11 Illinois Department of Revenue that includes a certification,
12 signed by its Director or designee, attesting to the amount of
13 the unpaid tax liability or the years for which a return was
14 not filed, or both, is prima facia evidence of the licensee's
15 failure to comply with the tax laws administered by the
16 Illinois Department of Revenue. Upon receipt of that
17 certification, the Department shall, without a hearing,
18 immediately suspend all licenses held by the licensee.
19 Enforcement of the Department's order shall be stayed for 60
20 days. The Department shall provide notice of the suspension to
21 the licensee by mailing a copy of the Department's order by
22 certified and regular mail to the licensee's last known address
23 as registered with the Department. The notice shall advise the
24 licensee that the suspension shall be effective 60 days after
25 the issuance of the Department's order unless the Department
26 receives, from the licensee, a request for a hearing before the

1 Department to dispute the matters contained in the order.

2 Any suspension imposed under this subsection (g) shall be
3 terminated by the Department upon notification from the
4 Illinois Department of Revenue that the licensee is in
5 compliance with all tax laws administered by the Illinois
6 Department of Revenue.

7 The Department shall promulgate rules for the
8 administration of this subsection (g).

9 (h) The Department may grant the title "Retired", to be
10 used immediately adjacent to the title of a profession
11 regulated by the Department, to eligible retirees. The use of
12 the title "Retired" shall not constitute representation of
13 current licensure, registration, or certification. Any person
14 without an active license, registration, or certificate in a
15 profession that requires licensure, registration, or
16 certification shall not be permitted to practice that
17 profession.

18 (i) Within 180 days after December 23, 2009 (the effective
19 date of Public Act 96-852), the Department shall promulgate
20 rules which permit a person with a criminal record, who seeks a
21 license or certificate in an occupation for which a criminal
22 record is not expressly a per se bar, to apply to the
23 Department for a non-binding, advisory opinion to be provided
24 by the Board or body with the authority to issue the license or
25 certificate as to whether his or her criminal record would bar
26 the individual from the licensure or certification sought,

1 should the individual meet all other licensure requirements
2 including, but not limited to, the successful completion of the
3 relevant examinations.

4 (Source: P.A. 95-331, eff. 8-21-07; 96-459, eff. 8-14-09;
5 96-852, eff. 12-23-09; 96-1000, eff. 7-2-10.)

6 Section 505. The State Finance Act is amended by adding
7 Section 5.786 as follows:

8 (30 ILCS 105/5.786 new)

9 Sec. 5.786. The Private Business and Vocational Schools
10 Quality Assurance Fund.

11 Section 510. The Riverboat Gambling Act is amended by
12 changing Section 9 as follows:

13 (230 ILCS 10/9) (from Ch. 120, par. 2409)

14 Sec. 9. Occupational licenses.

15 (a) The Board may issue an occupational license to an
16 applicant upon the payment of a non-refundable fee set by the
17 Board, upon a determination by the Board that the applicant is
18 eligible for an occupational license and upon payment of an
19 annual license fee in an amount to be established. To be
20 eligible for an occupational license, an applicant must:

21 (1) be at least 21 years of age if the applicant will
22 perform any function involved in gaming by patrons. Any

1 applicant seeking an occupational license for a non-gaming
2 function shall be at least 18 years of age;

3 (2) not have been convicted of a felony offense, a
4 violation of Article 28 of the Criminal Code of 1961, or a
5 similar statute of any other jurisdiction;

6 (2.5) not have been convicted of a crime, other than a
7 crime described in item (2) of this subsection (a),
8 involving dishonesty or moral turpitude, except that the
9 Board may, in its discretion, issue an occupational license
10 to a person who has been convicted of a crime described in
11 this item (2.5) more than 10 years prior to his or her
12 application and has not subsequently been convicted of any
13 other crime;

14 (3) have demonstrated a level of skill or knowledge
15 which the Board determines to be necessary in order to
16 operate gambling aboard a riverboat; and

17 (4) have met standards for the holding of an
18 occupational license as adopted by rules of the Board. Such
19 rules shall provide that any person or entity seeking an
20 occupational license to manage gambling operations
21 hereunder shall be subject to background inquiries and
22 further requirements similar to those required of
23 applicants for an owners license. Furthermore, such rules
24 shall provide that each such entity shall be permitted to
25 manage gambling operations for only one licensed owner.

26 (b) Each application for an occupational license shall be

1 on forms prescribed by the Board and shall contain all
2 information required by the Board. The applicant shall set
3 forth in the application: whether he has been issued prior
4 gambling related licenses; whether he has been licensed in any
5 other state under any other name, and, if so, such name and his
6 age; and whether or not a permit or license issued to him in
7 any other state has been suspended, restricted or revoked, and,
8 if so, for what period of time.

9 (c) Each applicant shall submit with his application, on
10 forms provided by the Board, 2 sets of his fingerprints. The
11 Board shall charge each applicant a fee set by the Department
12 of State Police to defray the costs associated with the search
13 and classification of fingerprints obtained by the Board with
14 respect to the applicant's application. These fees shall be
15 paid into the State Police Services Fund.

16 (d) The Board may in its discretion refuse an occupational
17 license to any person: (1) who is unqualified to perform the
18 duties required of such applicant; (2) who fails to disclose or
19 states falsely any information called for in the application;
20 (3) who has been found guilty of a violation of this Act or
21 whose prior gambling related license or application therefor
22 has been suspended, restricted, revoked or denied for just
23 cause in any other state; or (4) for any other just cause.

24 (e) The Board may suspend, revoke or restrict any
25 occupational licensee: (1) for violation of any provision of
26 this Act; (2) for violation of any of the rules and regulations

1 of the Board; (3) for any cause which, if known to the Board,
2 would have disqualified the applicant from receiving such
3 license; or (4) for default in the payment of any obligation or
4 debt due to the State of Illinois; or (5) for any other just
5 cause.

6 (f) A person who knowingly makes a false statement on an
7 application is guilty of a Class A misdemeanor.

8 (g) Any license issued pursuant to this Section shall be
9 valid for a period of one year from the date of issuance.

10 (h) Nothing in this Act shall be interpreted to prohibit a
11 licensed owner from entering into an agreement with a public
12 community college or a school approved under the Private
13 Business and Vocational Schools Act of 2012 for the training of
14 any occupational licensee. Any training offered by such a
15 school shall be in accordance with a written agreement between
16 the licensed owner and the school.

17 (i) Any training provided for occupational licensees may be
18 conducted either on the riverboat or at a school with which a
19 licensed owner has entered into an agreement pursuant to
20 subsection (h).

21 (Source: P.A. 96-1392, eff. 1-1-11.)

22 Section 515. The Illinois Public Aid Code is amended by
23 changing Section 11-2.1 as follows:

24 (305 ILCS 5/11-2.1) (from Ch. 23, par. 11-2.1)

1 Sec. 11-2.1. No private business and vocational school, as
2 defined in the Private Business and Vocational Schools Act of
3 2012, may solicit an applicant or recipient within a public aid
4 office or within 100 feet of a public aid office, for the
5 purpose of enrolling the applicant or recipient in a work or
6 training program, without the express written consent of the
7 Illinois Department. Any person violating this Section shall be
8 guilty of a Class A misdemeanor. "Public aid office" for the
9 purpose of this Section includes any business office of the
10 Department where a person may apply for or receive benefits or
11 services under this Code, the building in which such office is
12 located, and any parking area connected to such office that is
13 owned or leased by the State for the benefit of the Department
14 for use by personnel of the Department or by applicants or
15 recipients.

16 (Source: P.A. 85-1383.)

17 Section 520. The Children's Privacy Protection and
18 Parental Empowerment Act is amended by changing Section 15 as
19 follows:

20 (325 ILCS 17/15)

21 Sec. 15. Information brokers.

22 (a) For the purpose of this Act, the consent of a parent to
23 the sale or purchase of information concerning a child is
24 presumed unless the parent withdraws consent under this

1 Section.

2 A person who brokers or facilitates the sale of personal
3 information concerning children must, upon written request
4 from a parent that specifically identifies the child, provide
5 to the parent within 20 days of the written request procedures
6 that the parent must follow in order to withdraw consent to use
7 personal information relating to that child. The person who
8 brokers or facilitates the sale of personal information must
9 discontinue disclosing a child's personal information within
10 20 days after the parent has completed the procedures to
11 withdraw consent to use personal information relating to that
12 child.

13 (b) This Section does not apply to any of the following:

14 (1) Any federal, state, or local government agency or
15 any law enforcement agency.

16 (2) The National Center for Missing and Exploited
17 Children.

18 (3) Any educational institution, consortium,
19 organization, or professional association, including but
20 not limited to, public community colleges, public
21 universities, post-secondary educational institutions as
22 defined in the Private College Act, and private business
23 and vocational schools as defined in the Private Business
24 and Vocational Schools Act of 2012.

25 (4) Any not-for-profit entity that is exempt from the
26 payment of federal taxes under Section 501(c)(3) of the

1 Internal Revenue Code of 1986.
2 (Source: P.A. 93-462, eff. 1-1-04.)

3 (105 ILCS 425/Act rep.)

4 Section 900. The Private Business and Vocational Schools
5 Act is repealed.

6 Section 999. Effective date. This Act takes effect February
7 1, 2012.".